

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY WILLIAM OTERO : CIVIL ACTION
:
:
:
v. :
:
WARDEN, SCI DALLAS, et al. : NO. 16-4643
:

ORDER

AND NOW, this 7th day of June 2017, upon reassignment, considering Mr. Otero's Petition for Writ of *Habeas Corpus* (ECF Doc. No. 1), Chief Magistrate Judge Linda K. Caracappa's Report and Recommendation (ECF Doc. No. 5), Mr. Otero's Objections (ECF Doc. No. 6) and for reasons in the accompanying Memorandum including affirming Chief Judge Caracappa's specific finding as to the untimeliness of Mr. Otero's Petition, it is **ORDERED**:

1. Chief Magistrate Judge Linda K. Caracappa's January 31, 2017 Report and Recommendation (ECF Doc. No. 5) is **APPROVED and ADOPTED**;
2. We dismiss Mr. Otero's Petition for Writ of *Habeas Corpus* (ECF Doc. No. 1) **with prejudice**;
3. We find no probable cause to issue a certificate of appealability; and,
4. The Clerk of Court shall **close** this case for statistical purposes.



KEARNEY, J.